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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
Pre-sessional working group
4-8 September 2000

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the fourth periodic report of Finland concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.1)

I. GENERAL INFORMATION

A. General legal framework within which human rights are protected

1. The Committee would appreciate receiving any additional and updated information on specific measures, legislative or otherwise, that the State party has undertaken to implement the suggestions and recommendations contained in its concluding observations on Finland's previous periodic report (E/C.12/1/Add.8).

2. The Committee would appreciate receiving specific information on the justiciability of the rights contained in the International Covenant on Economic, Social and Cultural Rights, including references to case law on the subject.

3. The Committee would like to know more about the recent legislative reforms undertaken by Finland with a view to incorporating the principal economic, social and cultural rights in the Constitution, especially with regard to the nature, scope and extent of these "principal" rights, and whether they correspond to the rights as expressed in the Covenant.

4. The Committee would appreciate receiving updated information on the State party's position with regard to the proposal to adopt an optional protocol to the Covenant.

5. Please indicate whether the mandates of the Parliamentary Ombudsman and the Chancellor of Justice include the promotion and protection of economic, social and cultural rights.

6. Please provide information on the percentage of GDP devoted to international cooperation for development over the past five years.

B. Information and publicity

7. Please provide updated information on the measures taken by the State party to inform the public at large, in addition to civil servants, lawyers and judges, with regard to rights contained in the Covenant.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.2. Non-discrimination

8. Please indicate whether the State party's efforts to combat all manifestations of xenophobia, and of racism and discrimination against the Samis and Romanis, have yielded real results.

9. Please indicate whether the recent efforts to remove the obstacles to the ratification of International Labour Organization Convention No. 169 have set the stage for the ratification of the Convention and restored to the Samis fully their rights to land, water and natural resources.

10. Please provide information on the outcome of the research of the Finns' attitudes toward minorities and immigrants that was due in June 1999, as well as the outcome of the study on ethnic labour discrimination that was due in autumn 1999.

Article 3. Equality between the sexes

11. Gender equality has been well enshrined in the Finnish Constitution. To this end, a quota system has been included in the new Equality Act purporting to guarantee a minimum 40 per cent representation of women in governmental and municipal bodies. Is this quota system a permanent feature of Finnish legislation and is it confined to State agencies and institutions?

12. Please indicate to what extent the recent efforts to narrow the gender gap have succeeded and whether the decision to take the gender perspective into account in the development of labour legislation has been translated into actual results.

13. Please explain why, despite the Equality Act and all the legislative and administrative efforts by the State party to treat Finnish citizens equally, women's gross earnings in the State sector are still 20 per cent lower than those of men.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. Right to work

14. Please discuss the measures taken by the State party to reduce unemployment in the most affected regions.

15. What measures, legislative or otherwise, is the State party taking to combat age discrimination in employment?

16. What negative effects, if any, have privatization and globalization had on the protection of the employed against dismissal?

Article 7. The right to just and favourable conditions of work

17. Please explain how the principle of equal pay for equal work is being implemented in the State party. Please make reference to case law on this subject.

18. Since, in the absence of a collective agreement, the employer and the employee are free to agree jointly on the terms and conditions concerning remuneration, how is it possible to guarantee workers the minimum wages necessary to enjoy a decent standard of living?

19. Please indicate whether the tripartite Contracts of Employment Act Committee has completed the proposal for a general reform of the Contracts of Employment Act referred to in paragraph 112 of the State party's report.

Article 8. Trade union rights

20. Please explain the inconsistency between the right to strike as provided for in the Covenant, and the Collective Agreement Act on industrial peace, in accordance with which State civil servants are not allowed to strike over the legality and duration of the employment agreement.

Article 10. Protection of the family

21. Please describe measures taken to combat the serious problem of violence against women. Why have only 12 per cent of the women who have experienced domestic violence sought assistance?

22. Please explain why sexual contact with a child under 16 is criminalized but similar contact with children under 18 is only criminalized under certain circumstances.

23. Please explain how it is possible for a youth under 18 years of age to marry.

Article 11. Right to an adequate standard of living

24. Please explain the apparent contradiction contained in paragraph 286 of the State party's report, where it is stated that while the number of homeless has stabilized, the number of homeless families seems to be on the rise.

25. Please explain how and to whom social rented accommodation owned by municipalities or non-profit societies is distributed.

26. Please explain why the right to housing as spelled out in section 15 (a) of the Constitution does not specify quality standards for housing.

27. Since rent control ceased in Finland in May 1995 for all non-subsidized tenancies, please explain how tenants are protected from unjustified rent increases.

28. Since private landlords are free to choose their tenants, please explain how discrimination against certain ethnic groups can be prevented, especially when minority groups such as Romanis are finding it increasingly difficult to find housing, even in municipal rented dwellings.

Article 12. Right to health

29. What is the explanation for the high incidence of high blood pressure and heart disease in Finland, especially in the eastern and northern parts of the country and among lower social groups? What preventive measures has the State party taken to address this situation?

30. What preventive measures is the State party taking to combat cancer, diabetes and asthma?

31. Please explain why the number of persons affected by mental disorders is increasing, especially among women, and indicate what measures the State party is taking to combat this alarming phenomenon.

32. Please explain what is being done to address the increasing suicide rate.

Articles 13 and 14. Right to education

33. Please indicate whether all Sami and Romani have access to education.

Article 15. Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of intellectual property rights

34. What measures is the State party taking to protect the language and culture of Romanis and foreign nationals?

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